

EXHIBIT 14

Simmons, Justin

From: Simmons, Justin <jsimmons@woodsrogers.com>
Sent: Tuesday, November 8, 2022 3:07 PM
To: Scott Fitzsimmons; Kathy Barnes; Brandon Regan; Edward Parrott
Cc: 'Conley, Todd'; 'Golimowski, Jeff'; Treece, Joshua; Hollis, Jon; Stemland, Karen
Subject: RE: BAE v. Fluor - Case No. 7:20-CV-00587 - First Round of Depositions

Hi, Scott,

Fluor's months-long delay in letting BAE know that Fluor will not or cannot produce three key Fluor witnesses without subpoena is problematic, to say the least. Fluor has known since at least July 21 that BAE intended to depose Thomas D'Agostino, Kent Smith, and Robert Griffith, and yet Fluor waited until yesterday to inform BAE that Fluor would not or could not produce them and that they are represented by separate counsel. Please confirm by close of business tomorrow, Nov. 9, whether D'Agostino, Smith, and Griffith are current employees of Fluor Corp. or one of its subsidiaries, including, but not limited, to Fluor Federal Solutions, LLC; and, if they are, please explain why Fluor will not or cannot produce them for deposition. If they are no longer employees of Fluor Corp. or one of its subsidiaries, then please provide their dates of separation and last-known addresses.

Fluor's failure to timely inform BAE that Fluor will not or cannot produce D'Agostino, Smith, and Griffith has greatly prejudiced BAE and jeopardized the agreed-upon deposition schedule. BAE reserves the right to seek appropriate relief from the Court because of this failure.

BAE will depose Robert Legler on November 18, Tom Moran on December 13, and Jim Worcester on December 23.

Best,

Justin

From: Scott Fitzsimmons <sfitzsimmons@watttieder.com>
Sent: Monday, November 7, 2022 6:23 PM
To: Simmons, Justin <jsimmons@woodsrogers.com>; Kathy Barnes <kbarnes@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>
Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>
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****EXTERNAL EMAIL****

Justin –

Below is information related to the remaining Fluor witnesses requested by BAE:

Tom Moran is available for virtual deposition Dec 13-16.

Jim Worcester is available for virtual deposition Dec 9 or 23.

Tom D'Agostino is unavailable before November 21 and he travels quite a bit each month. He will need to be subpoenaed for deposition. Please contact Jeff Cottle regarding that process jcottle@brownrudnick.com

Kent Smith and Robert Griffith must be subpoenaed for deposition. Please coordinate that process with Kevin Muhlendorf kMuhlendorf@wiley.law

BAE's assertion that it "may have to adjust its own deponents' availability" is simply a game. You have requested that we confirm dates for BAE's witnesses. We have done so. These depositions have been scheduled and Fluor will move forward. Please confirm the dates that you will take the depositions of Moran and Worcester.

Scott P. Fitzsimmons | Senior Partner

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From: Simmons, Justin <jsimmons@woodsrogers.com>

Sent: Sunday, November 6, 2022 3:36 PM

To: Kathy Barnes <kbarnes@watttieder.com>; Scott Fitzsimmons <sfitzsimmons@watttieder.com>; Sarah Bloom <sbloom@watttieder.com>; Brandon Regan <bregan@watttieder.com>; Edward Parrott <eparrott@watttieder.com>

Cc: 'Conley, Todd' <Todd.Conley@wbd-us.com>; 'Golimowski, Jeff' <Jeff.Golimowski@wbd-us.com>; Treece, Joshua <jtreece@woodsrogers.com>; Hollis, Jon <jhollis@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>

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Hi, Kathy,

Fluor's failure to timely provide available dates for five of its witnesses is jeopardizing the deposition schedule. Fluor needs to provide dates regardless of whether the depositions will be in person or remote. The issue is witness availability, and dates are running out.

Whether it makes sense to depose a Fluor witness in person or remotely will depend in part on that witness's availability, which is something BAE doesn't have for most of Fluor's witnesses. Nevertheless, BAE will confirm that it will depose at least Tom D'Agostino, Kent Smith, and Robert Griffith in person.

Fluor's withholding the available dates for some witnesses is entirely inappropriate. Thus, if Fluor doesn't provide the available dates for the remaining five Fluor witnesses by close of business Monday, Nov. 7, then BAE will have no choice but to reach out to Judge Ballou's chambers to schedule another status conference. And BAE may have to adjust its own deponents' availability to accommodate the still undefined schedule (which cannot be ironed out until we consider Fluor's witnesses' availability).

Best,

Justin

Justin Simmons
Principal

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